## Case 4:09-cv-00222-CW Document 28 Filed 10/15/09 Page 1 of 4 1 MEREDITH N. LANDY (S.B. #136489) PETER T. SNOW (S.B. #222117) 2 O'MELVENY & MYERS LLP 2765 Sand Hill Road 3 Menlo Park, California 94025-7019 Telephone: (650) 473-2600 4 Facsimile: (650) 473-2601 mlandy@omm.com Email: 5 psnow@omm.com 6 Attorneys for Defendants Rackable Systems, Inc., Thomas K. Barton, Madhu Ranganathan and Todd 7 R. Ford 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA 10 11 OAKLAND DIVISION 12 IN RE RACKABLE SYSTEMS, INC. Case No. C-09-0222-CW SECURITIES LITIGATION 13 CLASS ACTION 14 THIS DOCUMENT RELATES TO: STIPULATION AND [ORDER VACATING DATE FOR INITIAL CASE ALL ACTIONS. 15 MANAGEMENT CONFERENCE AS **MODIFIED** 16 17 18 19 20 21 22 23 24 25 26

27

28

1	WHEREAS, the initial complaint in this action was filed on January 16, 2009;		
2	WHEREAS, the Court entered an Order appointing Lead Plaintiff and Lead Plaintiffs'		
3	counsel on April 16, 2009;		
4	WHEREAS, Lead Plaintiff filed an amended complaint on June 15, 2009;		
5	WHEREAS, Defendants moved to dismiss the amended complaint on August 13, 2009,		
6	and the hearing on Defendants' motion to dismiss is scheduled for October 29, 2009;		
7	WHEREAS, pursuant to a stipulation of the parties, which pre-dated Defendants' motion		
8	to dismiss, the Court set an Initial Case Management Conference for October 20, 2009;		
9	WHEREAS, the Order setting the Initial Case Management Conference requires the		
10	parties to comply with various procedures, including initial disclosures, and the filing of a Rule		
11	26(f) Report and Joint Case Management Conference Statement, in connection with the		
12	Conference;		
13	WHEREAS, this action is subject to the provisions of the Private Securities Litigation		
14	Reform Act of 1995 (the "PSLRA") which imposes a discovery stay pending solution of a motion		
15	to dismiss the consolidated amended complaint;		
16	WHEREAS, the parties believe that the procedures to be completed in connection with th		
17	Initial Case Management Conference are incompatible with the requirements of the PSLRA, and		
18	that the scheduling of an Initial Case Management Conference in this action is premature;		
19	NOW, THEREFORE, the undersigned parties hereby stipulate and agree, and respectfully		
20	request that the Court enter an order, as follows:		
21	1. That the October 20, 2009 Initial Case Management Conference should be taken		
22	off calendar; and		
23	2. That the procedures to be completed in connection with the Initial Case		
24	Management Conference should be postponed pending any rescheduling of the Initial Case		
25	Management Conference.		
26			
27			
28			

## 

1	<u>IT IS SO STIPULATED.</u>		
2			
3		O'MELVENY & MYERS LLP	
4			
5	Dated: October 13, 2009	By: /s/ Meredith N. Landy	
6		·	
7		Attorneys for Defendants Rackable Systems, Inc., Thomas K. Barton, Madhu Ranganathan	
8		and Todd R. Ford	
9		GLANCY BINKOW & GOLDBERG LLP	
10			
11	D . 1 . 0 . 1 . 10 2000	By: /s/ Lionel Z. Glancy	
12	Dated: October 13, 2009	Lionel Z. Glancy Michael Goldberg	
13		Attorneys for Lead Plaintiff	
14			
15			
16	I, Meredith N. Landy, am the ECF User whose ID and password are being used to file this		
17	Stipulation and [Proposed] Order Regarding Scheduling Matters. In compliance with General		
18	Order 45, X.B., I hereby attest that Lionel Z. Glancy has concurred in this filing.		
19		By:	
20		Meredith N. Landy	
21			
22		ORDER	
23	PURSUANT TO STIPULATION, IT IS SO ORDERED. THE CASE MANAGEMENT		
24	CONFERENCE WILL BE HELD ON DECEMBER 1, 2009, AT 2:00 P.M.		
25	10/13/09	( budieleith	
26	DATED:, 2009	The Honorable Claudia Wilken	
27		United States District Judge	
28			
		STIPULATION AND [PROPOSED] ORDER	